

## REMARKS/ARGUMENT

The amendment responds to the January 21, 2003, Office Action.

Claims 1 through 10 are pending in the application. Claims 1 and 4 are amended by this response.

A Request for Continued Examination and a Petition for a one-month Extension of Time accompany this response. The filing fees are paid by a deposit account.

The applicant thanks the Examiner for conducting an interview with the applicant's attorney on April 21, 2003. Claims 1 and 4 are amended in accordance with comments exchanged during the interview.

### 1. Rejection of Claims 1 through 3 under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1 through 3 under 35 U.S.C. § 112, second paragraph, stating that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The applicant traverses the rejection and requests reconsideration.

The applicant amends claim 1 to overcome this rejection. The applicant notes that neither the flexible sheets nor their peripheral margins are attached to the cardboard base as described in the specification on page 2 at lines 15 through 18 and on page 4 at lines 13 through 16. This rejection should be withdrawn.

### 2. Rejection of Claims 1, 3 through 6, 8, and 9 under 35 U.S.C. § 103(a)

The Examiner rejects claims 1, 3 through 6, 8, and 9 under 35 U.S.C. § 103(a), stating that the claims are unpatentable U.S. Patent 4,056,221 to Piltz et al. in view of U.S. Patent 6,234,944 to Anderson et al. The applicant traverses the rejection and requests reconsideration.

The Piltz et al. patent discloses an impermeable laminar covering of plastic material 11, 12 that extends over the surface of the base and is bound to the cardboard base and to a sheet of aluminum by binder layers 14, 15, 14' and 15'. (See the Piltz et al. patent in column 2 at lines 32 through 36.) The Piltz et al. patent therefore cannot disclose or suggest flexible sheets which enclose the base in a close-fitting manner, but do not adhere to the base as recited in amended claim 1. The Piltz et al. also cannot disclose or suggest an impermeable laminar cover comprised of two sheets that extend over both surfaces of the base but are not adhered to the base as recited in amended

claim 4. The flexible sheets as recited in amended claims 1 and 4 are not fixed to the base and are able to be displaced and moved with regard to the base. Therefore, the applicant's claims are distinguishable over the Piltz et al. patent. The combination of the Piltz et al. patent with the heat welding process as disclosed in the Anderson patent does not make obvious the flexible sheets as claimed. This rejection should be withdrawn.

**3. Rejection of Claims 2 and 7 under 35 U.S.C. § 103(a)**

The Examiner rejects claims 2 and 7 under 35 U.S.C. § 103(a), stating that the claims are unpatentable over U.S. Patent 4,056,221 to Piltz et al. in view of U.S. Patent 6,234,944 to Anderson et al. and U.S. Patent 3,684,155 to Smith. The applicant traverses the rejection and requests reconsideration.

The applicant respectfully maintains the combination of the Piltz et al. patent with the Anderson patent cannot disclose or suggest the flexible sheets as recited in independent claims 1 and 4 (as amended) as discussed above. The disposable liner bar as disclosed in the Smith patent does not make obvious the flexible sheets that are not adhered to the base as recited in amended claims 1 and 4. Claims 2 and 7 depend directly from amended claims 1 and 4, respectively, and are patentable for the same reasons, as well as because of the combinations of features set forth in these claims with the features set forth in the claims from which they depend. This rejection should be withdrawn.

**4. Rejection of Claim 10 under 35 U.S.C. § 103(a)**


The Examiner rejects claim 10 under 35 U.S.C. § 103(a), stating that the claims is unpatentable over U.S. Patent 4,056,221 to Piltz et al. in view of U.S. Patent 6,234,944 to Anderson et al. and U.S. Patent 5,575,418 to Wu et al.

The applicant respectfully maintains the combination of the Piltz et al. patent with the Anderson patent cannot disclose or suggest the flexible sheets as recited in independent claim 4 (as amended) as discussed above. The adhesive element as disclosed in the Wu et al. patent does not make obvious the flexible sheets that are not adhered to the base as recited in amended claim 4. Claim 10 depends directly from amended claim 4 and is patentable for the same reasons, as well as because of the combinations of features set forth in the claim with the features set forth in the claims from which it depends. This rejection should be withdrawn.

**5. Conclusion**

The application is believed to be in condition for allowance. Favorable consideration is respectfully requested.

Respectfully submitted,

 , Reg No 30,754

for

Robert C. Faber  
Registration No. 24,322  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700